

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

)

)

v.

)

)

LAMONT KORTEZ GAINES,
Defendant.

)

)

Criminal No. 1:17-CR-106

ORDER

This matter is before the Court for defendant's sentencing. The Fourth Circuit is preparing to re-hear en banc *United States v. Simms*, No. 15-4640, a case in which the Fourth Circuit will be presented with the questions (i) whether conspiracy to commit Hobbs Act robbery is a crime of violence, and (ii) whether § 924(c)(3)(B) is unconstitutionally vague. The Fourth Circuit is also holding *United States v. Ali*, No. 15-4433, in abeyance pending resolution of *Simms*. *Ali* presents the question whether substantive Hobbs Act robbery is a crime of violence. The Fourth Circuit's decision in *Simms* or *Ali* could be dispositive here, as it would determine whether Hobbs Act robbery is a crime of violence and whether § 924(c)'s residual clause is constitutional.

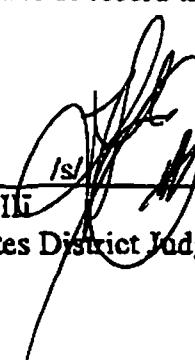
Accordingly, for good cause shown,

It is hereby ORDERED that this matter is STAYED until the Fourth Circuit issues a decision *Simms*.

It is further ORDERED that the parties are directed to notify the Court when a decision is reached in *Simms*.

The Clerk is directed to send a copy of this Order to all counsel of record and to place this matter among the inactive matters.

Alexandria, Virginia
July 13, 2018


T. S. Ellis, III
United States District Judge